

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MONICA M. AGLIORI,

Plaintiff,

11cv0685

**ELECTRONICALLY FILED**

v.

ALCOA, INC.,

Defendant.

**MEMORANDUM ORDER RE: MOTIONS IN LIMINE (Doc. Nos. 36, 39, 41)**

Presently before this Court are the following Motions in Limine: (1) Plaintiff, Monica Agliori's Motion in Limine to Exclude Expert Witness Testimony Regarding Plaintiff's Efforts to Mitigate Damages (Doc. No. 36); (2) Defendant, Alcoa, Inc.'s Motion in Limine to Bar Testimony by Plaintiff's Proposed Expert as to Front Pay Calculations (Doc. No. 39); and (3) Defendant's Motion in Limine to Bar Evidence of an Alleged Prior Discriminatory Act (Doc. No. 41). After careful consideration of the Motions in Limine and Responses thereto (Doc. Nos. 53, 54, and 55) on this 5<sup>th</sup> day of March 2012, IT IS HEREBY ORDERED that:

1. Plaintiff's Motion to Exclude Expert Witness Testimony Regarding Plaintiff's Efforts to Mitigate Damages (Doc. No. 36) is **DENIED**. Mr. Staller and Dr. Markham are qualified as expert witnesses pursuant to Fed. R. Evid. 702. They are permitted to give testimony on all aspects of their expert reports because they are admissible under Fed. R. Evid. 401 and 402. The matters of this motion are more appropriately handled on cross-examination.
2. Defendant's Motion in Limine to Bar Testimony by Plaintiff's Proposed Expert as to Front Pay Calculations (Doc. No. 39) is **DENIED**. Ms. Mascetta is qualified as an expert witness pursuant to Fed. R. Evid. 702. She is permitted to give testimony on

Plaintiff's economic damages following her termination from employment. The matters of this motion are more appropriately handled on cross-examination.

3. Defendant's Motion in Limine to Bar Evidence of an Alleged Prior Discriminatory Act (Doc. No. 41) is **GRANTED** subject to re-visiting the issue at trial should Defendant offer evidence or testimony about Plaintiff's job performance during the time period she was passed over for the Team Lead position in Alcoa's Requisition through Payment Group in 2007.

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties